

ORIGINAL

MCC:MEH:slg:2001V00699

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALLEN MORSLEY, :
Petitioner : No. 1:CV-01-1003
v. : (Judge Kane)
DONALD ROMINE, Warden, :
Respondent :

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Fed. R. Civ. P. 6(b), respondent requests the Court to grant him a thirty (30) enlargement of time in which to file his response to petitioner's motion to amend and supplement his petition for writ of habeas corpus. Respondent states the following in support thereof:

1. Petitioner, Allen Morsley is an inmate formerly incarcerated at the United States Penitentiary Lewisburg, Lewisburg, Pennsylvania.¹

2. Petitioner filed the instant petition pursuant to 28 U.S.C. §2241. On or about November 8, 2001, the petitioner filed "Petitioners [sic] Responses [sic] to Governments [sic] Motion With Motion to Amend and Supplement with Incorporated Memorandum of Law, Pursuant to Rule 15(a) of Civil Judicial Procedures." The

¹ Morsley is now incarcerated at the Federal Correctional Institution in Edgefield, South Carolina.

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FILED
HARRISBURG
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MARY E. D'ANDREA, CLERK
Per DEPUTY CLERK

supplemental petition for writ of habeas corpus raises a Bailey² claim concerning a conviction incurred in another district.

3. Petitioner's Bailey claim is appropriately addressed by the district that prosecuted him. Accordingly, in order to respond to petitioner's allegations, the undersigned has requested the United States Attorney's Office in Raleigh, North Carolina, who prosecuted petitioner, to assist with this matter.

4. The United States Attorney's Office in Raleigh will need to procure the records of Morsley's 1993 conviction which may have been archived to a federal records center.

5. Furthermore, once the appropriate records are retrieved a determination can be made as to whether or not Morsley has previously raised his Bailey claim in the District Court for the Eastern District of North Carolina and/or to the United States Court of Appeals for the Fourth Circuit.

6. Once the records have been reviewed it may be necessary to request the United States Attorney's Office in the Eastern District of North Carolina, who prosecuted petitioner, to respond to the allegations of petitioner's Bailey claim.

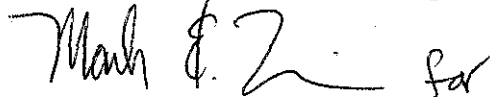
7. Thus, on behalf of the respondent, the United States Attorney's Office requests a thirty (30) day enlargement of time in which to respond to the amended/supplemental petition.

²Bailey v. United States, 516 U.S. 147 (1995).

WHEREFORE, the respondent requests a thirty (30) day enlargement of time until December 24, 2001, in which to respond to the allegations of the petition. Counsel certifies that he has not sought the concurrence of petitioner because the petitioner is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

A handwritten signature in dark ink, appearing to read "Mark E. Z." followed by a flourish and the word "for".

MATTHEW E. HAGGERTY
Assistant U.S. Attorney
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Dated: November 21, 2001

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	:	
v.	:	(Judge Kane)
	:	
DONALD ROMINE, Warden,	:	
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.


That on November 21, 2001, she served a copy of the attached

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Allen Morsley
Reg. No. 14718-056
FCI Edgefield, Unit A-1
P.O. Box 724
Edgefield, S.C. 29824


SHELLEY L. GRANT
Paralegal Specialist